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Ruling revives death penalty for Christopher Monfort trial

Christopher Monfort, the man accused of killing a Seattle police officer and wounding a rookie trainee on Halloween 2009, will face a potential death sentence when he is tried in court.

By [Jennifer Sullivan](#)

Seattle Times staff reporter



Christopher Monfort held in officer's killing.

The man accused of killing Seattle police Officer Timothy Brenton and wounding a rookie trainee on Halloween 2009 will face a potential death sentence when he is tried.

A unanimous state Supreme Court ruled Thursday that King County Prosecutor Dan Satterberg did not abuse his discretion when he decided to seek the death penalty against Christopher Monfort.

The ruling reversed a February decision by King County Superior Court Judge Ronald Kessler who found the prosecutor's office had relied on a "flawed, practically useless" investigation into possible mitigating factors that could have merited leniency for Monfort.

In an [opinion](#), authored by Justice Susan Owens, the Supreme Court said Kessler's ruling "is legal error" and that Satterberg "exercised his discretion in accordance with statutory and case law.

"In this case, the trial court intruded upon the county prosecutor's determination by going beyond the question of whether the county prosecutor had his reasons to hold him [Monfort] to a higher standard, which formed the basis of his ruling," the opinion read.

Earlier this year, Satterberg responded to Kessler's ruling by saying he delayed his decision on whether to pursue a death sentence by giving Monfort's defense team extra time to submit a mitigation package. He waited nearly 10 months before announcing his decision.

State law requires a prosecutor to decide whether to seek the death penalty within 30 days of a defendant's arraignment

Under state law, mitigating factors in potential death-penalty cases can include evidence of an extreme mental disturbance or impairment because of a mental disease or defect.

"As we have thoroughly established, the statute does not require that the county prosecutor base his or her determination on a checklist of mitigating factors or according to guidelines, which might be put under objective scrutiny," Owens wrote in the ruling. "Nor does it [the statute] require that a judge or defense share a county prosecutor's belief."

Satterberg said his office is "pleased that the Washington state Supreme Court has upheld our exercise of discretion in this important case."

Carl Luer, one of Monfort's defense lawyers, said they have not yet decided whether to ask the Supreme Court to reconsider its ruling.

"We are disappointed and disagree with much of the court's reasoning and their recitation of some of the record in the case," Luer said. "We believe that Judge Kessler, having sat through all of the hearings and having read all of the briefings we submitted, was in the best position to determine whether the prosecutor had sufficient information to make a determination that there are no significant mitigating factors."

Monfort, 45, is charged with aggravated murder in the fatal shooting of Brenton and with attempted first-degree murder in the wounding of Officer Britt Sweeney on Oct. 31, 2009.

The shooting came nine days after Monfort reportedly firebombed four police vehicles at a city maintenance yard. Police said one of the makeshift bombs was set to go off as police and firefighters arrived to investigate the initial blasts.

A note left behind at the arson site railed against police brutality, police said.

On Nov. 6, Seattle police detectives shot Monfort after he allegedly tried to shoot Seattle police Sgt. Gary Nelson during a confrontation outside Monfort's Tukwila apartment. When police later searched the apartment, they found an arsenal of guns, explosives and a manifesto opposing police brutality, police said.

The shooting left Monfort paralyzed from the waist down.

His defense team has said it plans to pursue an insanity defense.

The Monfort ruling is the second time this year the Supreme Court overruled a King County Superior Court judge and reinstated the death penalty in a capital case.

Just a few weeks before Kessler's decision, Judge Jeffrey Ramsdell ruled Satterberg erroneously considered the strength of the state's evidence against Joseph McEnroe and Michele Anderson in deciding whether to seek the death penalty.

McEnroe and Anderson are accused of killing six members of Anderson's family on Christmas Eve 2007.

Satterberg's office appealed to the Supreme Court and justices overruled Ramsdell. Justices reinstated the death penalty after finding Satterberg weighed the appropriate evidence in making his decision.

Monfort, Anderson and McEnroe are all slated to be tried next year.

Information from Seattle Times archives is included in this report.

Jennifer Sullivan: 206-464-8294 or jensullivan@seattletimes.com. On Twitter @SeattleSullivan.